

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Eugene Paul Harrison,)	C.A. #3:10-1132-PMD
)	
Plaintiff ,)	
)	
vs.)	<u>ORDER</u>
)	
Dr. William Ramsey, M.D., and)	
Dr. Amanda Thomas,)	
)	
Defendants..)	

This matter is before the court upon the magistrate judge's recommendation that the within action be dismissed. Because plaintiff is pro se, this matter was referred to the magistrate judge.¹

This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent timely objections by a dissatisfied party within ten (10) days of the filing of the report, the district court is not required to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).²

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B)(2), D.S.C., the magistrate judge is authorized to review all pretrial matters and submit findings and recommendations to this Court.

²In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of

Plaintiff has filed no objections, but has instead filed a pleading captioned "Answer To: Report and Recommendation stating that he "agree[s] to the decision by the Court Magistrate Judge . . . and hereby accept the Judge decision and ruling."

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Finding no error in the report, this court adopts the report and recommendation and incorporates it into this order.

For the reasons articulated by the magistrate judge and agreed to by the plaintiff, it is hereby **ordered** that the within action be **dismissed without prejudice** and without issuance and service of process upon the defendants.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

June 18, 2010
Charleston, South Carolina

what is required." Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.